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SOCIÉTÉ DES NATIONS

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# MANDAT POUR LA PALESTINE

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LEAGUE OF NATIONS

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# MANDATE FOR PALESTINE

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SOCIETÉ DES NATIONS.

# MANDAT POUR LA PALESTINE

Le Conseil de la Société des Nations :

Considérant que les Principales Puissances Alliées sont d'accord en vue de donner effet aux dispositions de l'article 22 du Pacte de la Société des Nations, pour confier à un Mandataire choisi par les dites Puissances l'administration du territoire de la Palestine, qui faisait autrefois partie de l'Empire ottoman, dans des frontières à fixer par les dites Puissances ;

Considérant que les Principales Puissances Alliées ont, en outre, convenu que le Mandataire serait responsable de la mise à exécution de la déclaration originairement faite le 2 novembre 1917 par le Gouvernement britannique et adoptée par les dites Puissances, en faveur de l'établissement en Palestine d'un foyer national pour le peuple juif, étant bien entendu que rien ne sera fait qui puisse porter préjudice aux droits civils et religieux des communautés non juives en Palestine, non plus qu'aux droits et au statut politique dont jouissent les Juifs dans tout autre pays :

Considérant que cette déclaration comporte la reconnaissance des liens historiques du peuple juif avec la Palestine et des raisons de la reconstitution de son foyer national en ce pays ;

Considérant que les Puissances Alliées ont choisi Sa Majesté Britannique comme Mandataire pour la Palestine ;

Considérant que les termes du mandat sur la Palestine ont été formulés de la façon suivante et soumis à l'approbation du Conseil de la Société ;

Considérant que Sa Majesté Britannique a accepté le mandat pour la Palestine et s'est engagée à l'exercer au nom de la Société des Nations, conformément aux dispositions ci-dessous ;

Considérant qu'aux termes de l'article 22 ci-dessus mentionné (paragraphe 8), il est prévu que si le degré d'autorité, de contrôle ou d'administration à exercer par le Mandataire n'a pas fait l'objet d'une Convention antérieure entre les Membres de la Société, il sera expressément statué sur ces points par le Conseil ;

Confirmant le dit mandat, a statué sur ses termes comme suit :

*Article* 1.

Le Mandataire aura pleins pouvoirs de législation et d'administration, sous réserve des limites qui peuvent être fixées par les termes du présent mandat.

*Article* 2.

Le Mandataire assumera la responsabilité d'instituer dans le pays un état de choses politique, administratif et économique de nature à assurer l'établissement du foyer national pour le peuple juif, comme il est prévu au préambule, et à assurer également le développement d'institutions de libre gouvernement, ainsi que la sauvegarde des droits civils et religieux de tous les habitants de la Palestine à quelque race ou religion qu'ils appartiennent.

*Article* 3.

Le Mandataire favorisera les autonomies locales dans toute la mesure où les circonstances s'y prêteront.

S. D. N. 550 ex. 8/22. Imp. Réunies S. A. Lausanne.

*Article* 4.

Un organisme juif convenable sera officiellement reconnu et aura le droit de donner des avis à l'Administration de la Palestine et de coopérer avec elle dans toutes questions économiques, sociales et autres, susceptibles d'affecter l'établissement du foyer national juif et les intérêts de la population juive en Palestine, et, toujours sous réserve du contrôle de l'Administration, d'aider et de participer au développement du pays.

L'organisation sioniste sera reconnue comme étant l'organisme visé ci-dessus, pour autant que, de l'avis du Mandataire, son organisation et sa constitution seront jugés convenables. D'accord avec le Gouvernement de Sa Majesté Britannique, elle prendra toutes mesures nécessaires pour assurer la coopération de tous les Juifs disposés à collaborer à la constitution du foyer national juif.

*Article* 5.

Le Mandataire garantit la Palestine contre toute perte ou prise à bail de tout ou partie du territoire et contre l'établissement de tout contrôle d'une Puissance étrangère.

*Article* 6.

Tout en veillant à ce qu'il ne soit pas porté atteinte aux droits et à la situation des autres parties de la population, l'Administration de la Palestine facilitera l'immigration juive dans des conditions convenables et de concert avec l'organisme juif mentionné à l'article 4, elle encouragera l'établissement intensif des Juifs sur les terres du pays, y compris les domaines de l'Etat et les terres incultes inutilisées pour les services publics.

*Article* 7.

L'Administration de la Palestine assumera la responsabilité d'édicter une loi sur la nationalité. Cette loi comportera des clauses destinées à faciliter aux Juifs qui s'établiront en Palestine d'une façon permanente l'acquisition de la nationalité palestinienne.

*Article* 8.

Les privilèges et immunités des étrangers, y compris la juridiction et la protection consulaires, tels qu'ils étaient autrefois pratiqués dans l'Empire ottoman, en vertu des Capitulations et des usages, seront sans application en Palestine.

A moins que les Puissances, dont les ressortissants jouissaient de ces privilèges et immunités au 1er août 1914, n'aient préalablement renoncé au rétablissement de ces privilèges et immunités, ou n'aient consenti à leur non application pendant une certaine période, ceux-ci seront à la fin du mandat et sans délai rétablis intégralement ou avec telle modification qui aurait été convenue par les Puissances intéressées.

*Article* 9.

Le Mandataire assumera la responsabilité de veiller à l'institution en Palestine d'un système judiciaire assurant, tant aux étrangers qu'aux indigènes, la garantie complète de leurs droits.

Le respect du statut personnel des diverses populations et communautés et de leurs intérêts d'ordre religieux sera entièrement garanti. En particulier, le Mandataire exercera le contrôle de l'administration des Wakoufs, en parfaite conformité avec les lois religieuses et la volonté des fondateurs.

*Article* 10.

En attendant la conclusion de conventions spéciales d'extradition, les traités d'extradition en vigueur entre le Mandataire et d'autres Puissances étrangères seront appliqués à la Palestine.

*Article* 11.

L'Administration de la Palestine prendra toutes mesures nécessaires pour sauvegarder les intérêts de la communauté concernant le développement du pays et, sous réserve des obligations internationales acceptées par le Mandataire, elle aura pleins pouvoirs pour décider quant à la propriété ou au contrôle public de toutes les ressources naturelles du pays, ou des travaux et services d'utilité publique déjà établis ou à y établir. Elle introduira un régime agraire adapté aux besoins du pays, en ayant égard, entre autres choses, aux avantages qu'il pourrait y avoir à encourager la colonisation intense et la culture intensive de la terre.

L'Administration pourra, dans la mesure ou elle n'agira pas directement, s'entendre avec l'organisme juif mentionné à l'article 4, pour effectuer ou exploiter, dans des conditions justes et équitables, tous travaux et services d'utilité publique et pour développer toutes les ressources naturelles du pays. Dans ces accords, il sera entendu qu'aucun des bénéfices distribués directement ou indirectement par cet organisme ne devra dépasser un taux raisonnable d'intérêt sur le capital et que tout excédent de bénéfice sera utilisé par lui au profit du pays et d'une manière approuvée par l'Administration.

*Article* 12.

Les relations extérieures de la Palestine, ainsi que la délivrance des exequatur aux consuls des Puissances étrangères seront du ressort du Mandataire. Le Mandataire aura aussi le droit d'étendre sa protection diplomatique et consulaire aux ressortissants de la Palestine se trouvant hors des limites de ce territoire.

*Article* 13.

Tout en maintenant l'ordre et la bienséance publics, le Mandataire assume toute responsabilité au sujet des Lieux Saints, des édifices et des sites religieux en Palestine, y compris celle de préserver les droits existants, d'assurer le libre accès des Lieux Saints, des édifices et des sites religieux, et le libre exercice du culte. Il ne sera responsable, pour toutes les questions qui s'y réfèrent, que vis-à-vis de la Société des Nations, étant entendu que rien dans cet article n'empêchera le Mandataire de faire avec l'Administration tel arrangement qu'il jugera nécessaire, en vue d'exécuter les dispositions du présent article, et étant entendu aussi que rien dans le présent mandat ne pourra être interprété comme l'autorisant à toucher aux immeubles ou à intervenir dans l'administration des sanctuaires purement musulmans, dont les privilèges sont garantis.

*Article* 14.

Une Commission spéciale sera nommée par la Puissance mandataire, à l'effet d'étudier, définir et régler tous droits et réclamations concernant les Lieux Saints, ainsi que les différentes communautés religieuses en Palestine. Le mode de nomination des membres de la Commission, sa composition et ses fonctions, seront soumis à l'approbation du Conseil de la Société, et la Commission ne sera pas nommée et n'entrera pas en fonctions avant cette approbation.

*Article* 15.

Le Mandataire garantira à tous la plus complète liberté de conscience, ainsi que le libre exercice de toutes les formes de culte compatibles avec l'ordre public et les bonnes mœurs. Il n'y aura aucune inégalité de traitement entre les habitants de la Palestine, du fait des différences de race, de religion ou de langue. Personne ne sera exclu de la Palestine, à raison seulement de ses convictions religieuses.

Il ne sera porté aucune atteinte au droit des communautés de conserver leurs écoles en vue de l'instruction et de l'éducation de leurs membres dans leur propre langue, à condition de se conformer aux prescriptions générales sur l'instruction publique que pourrait édicter l'Administration.

*Article* 16.

Le Mandataire devra assurer le contrôle des institutions religieuses ou charitables de toutes confessions en Palestine qui peut être exigé pour le maintien de l'ordre public et la bonne administration. Sous réserve de ce contrôle, on ne pourra prendre en Palestine aucune mesure qui mettrait obstacle à l'œuvre de ces institutions ou qui constituerait une intervention dans cette œuvre et l'on ne pourra faire de distinctions entre les représentants ou les membres de ces institutions du fait de leur religion ou de leur nationalité.

*Article* 17.

L'Administration de la Palestine peut organiser par recrutement volontaire les forces nécessaires au maintien de la paix et de l'ordre, ainsi qu'à la défense du pays, sous le contrôle du Mandataire, mais elle n'aura pas le droit de faire usage de ces forces à d'autres fins que celles énoncées ci-dessus, à moins que le Mandataire ne l'y autorise. L'Administration de la Palestine ne lèvera ni entretiendra de force militaire, navale ou aérienne qu'aux fins susdites.

Aucune disposition de cet article n'empêchera l'Administration de la Palestine de participer aux frais d'entretien des forces militaires du Mandataire en Palestine.

Le Mandataire disposera en tout temps du droit d'utiliser les ports, voies ferrées et moyens de communication de Palestine, pour le passage des forces armées et le transport du combustible et des approvisionnements.

*Article* 18.

Il appartiendra au Mandataire de faire en sorte qu'aucune discrimination ne soit faite en Palestine entre les nationaux d'un Etat quelconque Membre de la Société des Nations (y compris les compagnies constituées selon les lois de cet Etat) et les nationaux de la Puissance mandataire ou de tout autre Etat, ni en matière d'impôts, de commerce ou de navigation, ni dans l'exercice des industries ou professions, ni dans le traitement accordé aux navires marchands ou aux aéronefs civils. De même, il ne sera imposé en Palestine aucun traitement différentiel entre les marchandises originaires ou à destination d'un quelconque des dits Etats ; il y aura dans des conditions équitables liberté de transit à travers le territoire sous mandat.

Sous réserve des stipulations ci-dessus et des autres stipulations du mandat, l'Administration de la Palestine pourra, sur le conseil du Mandataire, établir les impôts et les droits de douane qu'elle jugera nécessaires et prendre les mesures qui lui paraîtront les plus propres à assurer le développement des ressources naturelles du pays et à sauvegarder les intérêts de la population locale. Elle pourra également, sur le conseil du Mandataire, conclure un accord douanier spécial avec un Etat quelconque dont le territoire en 1914 faisait intégralement partie de la Turquie d'Asie ou de l'Arabie.

*Article* 19.

Le Mandataire devra adhérer, au nom de l'Administration de la Palestine, à toutes conventions internationales générales conclues, ou à conclure avec l'approbation de la Société des Nations, sur les sujets suivants : traite des esclaves, trafic des armes et munitions, trafic des stupéfiants, égalité commerciale, liberté de transit et de navigation, navigation aérienne, communications postales, télégraphiques ou par télégraphie sans fil, propriété littéraire, artistique ou industrielle.

*Article* 20.

Autant que les conditions sociales, religieuses et autres le permettront, le Mandataire collaborera au nom de l'Administration de la Palestine aux mesures d'utilité commune, qui seraient adoptées par la Société des Nations, pour prévenir et combattre les maladies, y compris celles des animaux et des plantes.

*Article* 21.

Le Mandataire élaborera et mettra en vigueur, dans un délai de douze mois à dater de ce jour, une loi sur les antiquités conforme aux dispositions ci-après. Cette loi assurera aux ressortissants de tous les Membres de la Société des Nations l'égalité de traitement en matière de fouilles et recherches archéologiques.

1.

Par « antiquités », on devra entendre toute œuvre ou produit de l'activité humaine antérieurs à l'année 1700.

2.

La législation sur la protection des antiquités devra procéder plutôt par encouragements que par menaces.

Toute personne qui, ayant fait la découverte d'une antiquité sans avoir l'autorisation visée au paragraphe 5, signale cette découverte à l'autorité compétente, devra recevoir une rémunération proportionnée à la valeur de la découverte.

3.

Aucune antiquité ne pourra être aliénée qu'en faveur de l'autorité compétente, à moins que celle-ci renonce à en faire l'acquisition.

Aucune antiquité ne pourra sortir du pays sans une licence délivrée par la dite autorité.

4.

Toute personne qui, par malice ou négligence, détruit ou détériore une antiquité devra être passible d'une pénalité à fixer.

5.

Tout déplacement de terrain ou fouilles en vue de trouver des antiquités seront interdits, sous peine d'amende, si ce n'est aux personnes munies d'une autorisation de l'autorité compétente.

6.

Des conditions équitables seront fixées pour permettre d'exproprier temporairement, ou à titre permanent, les terrains pouvant présenter un intérêt historique ou archéologique.

7.

L'autorisation de procéder à des fouilles ne sera accordée qu'à des personnes présentant des garanties suffisantes d'expérience archéologique. L'Administration de la Palestine ne devra pas, en accordant ces autorisations, agir de façon à éliminer, sans motifs valables, les savants d'aucune nation.

9.

Le produit des fouilles pourra être réparti entre la personne ayant procédé à la fouille et l'autorité compétente, dans la proportion fixée par celle-ci. Si, pour des raisons scientifiques, la répartition paraît impossible, l'inventeur devra recevoir une équitable indemnité au lieu d'une partie du produit de la fouille.

*Article* 22.

L'anglais, l'arabe et l'hébreu seront les langues officielles de la Palestine. Toutes indications ou inscriptions arabes sur les timbres ou la monnaie figureront également en hébreu et réciproquement.

*Article* 23.

L'Administration de la Palestine reconnaîtra les jours saints des différentes communautés comme jours de repos légal pour les dites communautés.

*Article* 24.

Le Mandataire adressera au Conseil de la Société des Nations un rapport annuel, répondant à ses vues, sur les mesures prises pendant l'année pour l'application du mandat. Les textes de toutes les lois et de tous les règlements promulgués pendant l'année seront annexés au dit rapport.

*Article* 25.

Dans les territoires s'étendant entre le Jourdain et la frontière orientale de la Palestine, telle qu'elle sera définitivement fixée, le Mandataire aura la faculté, avec le consentement du Conseil de la Société des Nations, de retarder ou de suspendre l'application des stipulations du présent mandat qu'il jugera inapplicables à raison des conditions locales existantes, et de prendre, en vue de l'administration de ces territoires, toutes les mesures qu'il estimera convenables, pourvu qu'aucune de ces mesures ne soit incompatible avec les stipulations des articles 15, 16 et 18.

*Article* 26.

Le Mandataire accepte que tout différend, quel qu'il soit, qui viendrait à s'élever entre lui et un autre Membre de la Société des Nations, relatif à l'interprétation ou à l'application des dispositions du mandat et qui ne serait pas susceptible d'être réglé par des négociations, soit soumis à la Cour permanente de Justice internationale, prévue par l'article 14 du Pacte de la Société des Nations.

*Article* 27.

Le consentement du Conseil de la Société des Nations sera nécessaire pour toutes modifications à apporter aux termes du présent mandat.

*Article* 28.

Au cas où prendrait fin le mandat conféré par le présent acte au Mandataire, le Conseil de la Société prendra toutes les dispositions nécessaires pour sauvegarder à perpétuité, sous la garantie de la Société, les droits garantis par les articles 13 et 14 et usera de toute son influence pour que le Gouvernement de Palestine, sous la garantie de la Société, assume pleinement toutes les obligations financières, légitimement contractées par l'Administration de la Palestine, pendant la durée du mandat, y compris les droits des fonctionnaires à des pensions ou à des gratifications.

Le présent acte sera déposé en original aux archives de la Société et des exemplaires certifiés conformes seront transmis par le Secrétaire général de la Société des Nations à tous les Membres de la Société.

Fait à Londres, le vingt-quatrième jour de juillet mil neuf cent vingt-deux.

*Exemplaire certifié conforme :*

Secrétaire général.

# LEAGUE OF NATIONS.

# MANDATE FOR PALESTINE

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The Council of the League of Nations :

Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country ; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country ; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine ; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval ; and

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions ; and

Whereas by the afore-mentioned Article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations ;

Confirming the said mandate, defines its terms as follows :

*Article* 1.

The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

*Article* 2.

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

*Article* 3.

The Mandatory shall, so far as circumstances permit, encourage local autonomy.

*Article* 4.

An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

*Article* 5.

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power.

*Article* 6.

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

*Article* 7.

The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

*Article* 8.

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the afore-mentioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

*Article* 9.

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

*Article* 10.

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

*Article* 11.

The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.

*Article* 12.

The Mandatory shall be entrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

*Article* 13.

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect ; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

*Article* 14.

A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

*Article* 15.

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

*Article* 16.

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

*Article* 17.

The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

*Article* 18.

The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State Member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

*Article* 19.

The Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

*Article* 20.

The Mandatory shall co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

*Article* 21.

The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of Antiquities based on the following

rules. This law shall ensure equality of treatment in the matter of excavations and archæological research to the nationals of all States Members of the League of Nations.

(1)

"Antiquity" means any construction or any product of human activity earlier than the year 1700 P.D.

(2)

The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorisation referred to in paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery.

(3)

No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export licence from the said Department.

(4)

Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penality to be fixed.

(5)

No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorised by the competent Department.

(6)

Equitable terms shall be fixed for expropriation, temporary or permanent. of lands which might be of historical or archæological interest.

(7)

Authorisation to excavate shall only be granted to persons who show sufficient guarantees of archæological experience. The Administration of Palestine shall not, in granting these authorisations, act in such a way as to exclude scholars of any nation without good grounds.

(8)

The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

*Article* 22.

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statement or inscription in Hebrew shall be repeated in Arabic.

*Article* 23.

The Administration of Palestine shall recognise the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

*Article* 24.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

*Article* 25.

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.

*Article* 26.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

*Article* 27.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

*Article* 28.

In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations legitimately incurred by the Administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London the twenty-fourth day of July, one thousand nine hundred and twenty-two.

*Certified true copy :*

SECRETARY-GENERAL.

*Imprimé*
*pour la " SOCIÉTÉ DES NATIONS "*
*par les*
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# MANDATE FOR PALESTINE.

The Council of the League of Nations:

WHEREAS the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

WHEREAS the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

WHEREAS recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

WHEREAS the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

WHEREAS the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

WHEREAS His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

WHEREAS by the aforementioned Article 22 (Paragraph 8), it is provided that the degree of authority, control, or administration, to be exercised by the Mandatory not having been previously agreed upon by the Members of the League shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

ARTICLE I.

The mandate shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

ARTICLE 2.

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

Article 3.

The Mandatory shall, so far as circumstances permit, encourage local autonomy.

Article 4.

An appropriate Jewish agency shall be recognised as a public body for theppurpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

Article 5.

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of the Government of any foreign Power.

Article 6.

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage in co-operation

with the Jewish agency referred to in Article 4 close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

Article 7.

The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

Article 8.

The immunities and privileges of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, shall not be applicable in Palestine. Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on August 1, 1914 have previously renounced the right to their re-establishment, or have agreed to their non-application for a specified period, these privileges and immunities shall at the expiration of the mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

Article 9.

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their judicial rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of the Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

ARTICLE 10.

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

ARTICLE 11.

The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.

ARTICLE 12.

The Mandatory shall be entrusted with the control of the foreign relations of Palestine, and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be

entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

ARTICLE 13.

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights, of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who will be responsible solely to the League of Nations in all matters connected herewith; provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the administration for the purpose of carrying the provisions of this Article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

ARTICLE 14.

A special Commission shall be appointed by the Mandatory to study and define the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of theLeague for its approval, and the Commission shalll not be appointed or enter upon its functions without the approval of the Council.

ARTICLE 15.

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, is ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

ARTICLE 16.

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

ARTICLE 17.

The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of forces maintained by the Mandatory.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

Article 18.

The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State Member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may on the advice of the Mandatory impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special customs agreement with any State, the territory of which in 1914 was wholely included in Asiatic Turkey or Arabia.

Article 19.

The Mandatory shall adhere on behalf of the Administration to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial

equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

Article 20.

The Mandatory shall co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

Article 21.

The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of Antiquities based on the following rules. This law shall replace the former Ottoman law of Antiquities, and shall ensure equality of treatment in the matter of archaeological research to the nationals of all States Members of the League of Nations:-

"1.

"'Antiquity' means any construction or any product of human activity earlier than the year 1700.

2.

"The law for the protection of antiquities shall proceed by encouragement rather than by threat.

"Any person who, having discovered an antiquity without being furnished with the authoriation referred to in paragraph 5, reports the same to an official of the competent Turkish Department, shall be rewarded according to the value of the discovery.

"No antiquity may be disposed of except to the competent Turkish Department, unless this Department renounces the acquisition of any such antiquity.

"No antiquity may leave the country without an export licence from the said Department.



"Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.



"No clearing of ground or digging with the object of finding antiquities shall be permitted, under pain penalty of fine, except to persons authorised by the competent Turkish Department.



"Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archaeological interest.



"Authorisation to excavate shall only be granted to persons who show sufficient guarantees of archaeological experience. The Turkish Government shall not, in granting these authorisations, act in such a way as to eliminate scholars of any nation without good grounds.



"The proceeds of excavations may be divided between the excavator and the competent Turkish Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find."

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The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary General of the League of Nations to all Members of the League.

Done at the day of